

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Procedures to Govern the Use of Satellite Earth)	
Stations on Board Vessels in the 5925-6425)	IB Docket No. 02-10
MHz/3700-4200 MHz Bands and 14.0-14.5)	
GHz/11.7-12.2 GHz Bands)	

To: The Commission

**REPLY OF BROADBAND MARITIME, INC. TO FIXED WIRELESS
COMMUNICATIONS COALITION *EX PARTE* COMMUNICATION REGARDING
PAPERWORK REDUCTION ACT INFORMATION COLLECTION**

Broadband Maritime, Inc. (“Broadband Maritime”), by its attorneys, hereby files its reply to the April 11, 2005 Fixed Wireless Communications Coalition (“FWCC”) *ex parte* communication responding to Broadband Maritime’s comments regarding the Paperwork Reduction Act information collection requirements. Broadband Maritime filed its initial comments with regard to the effective date of Section 25.221(e) of the rules, 47 C.F.R. § 25.221(e). Specifically, Broadband Maritime explained that it was in the process of preparing and filing a request for waiver of Section 25.221(e), and was asking the Commission to postpone the effective date of the rule until after the Commission takes action on Broadband Maritime’s waiver request.

FWCC first claims that Broadband Maritime is filing a request for stay rather than a request for deferral pursuant to the Paperwork Reduction Act. FWCC has it wrong. Broadband Maritime followed the procedures set out by the Commission in the notice of final rule published in the *Federal Register*, 70 Fed. Reg. 4775, Jan. 31, 2005, and asked for deferral of the effective

date based upon the new rule's unduly burdensome effect on Broadband Maritime. The Paperwork Reduction Act was established for this purpose, and Broadband Maritime filed its comments in accordance with the Federal Register notice and the Paperwork Reduction Act. The four-pronged test for a stay does not apply to comments filed pursuant to the Paperwork Reduction Act.

FWCC next claims that Broadband Maritime's waiver request will really be a request for rescission of Section 25.221(e) of the rules, and that as such it would be an untimely petition for reconsideration of the rules. Again, FWCC has it wrong. Broadband Maritime did not seek reconsideration of Section 25.221(e). Its waiver request will meet the requirements for waiver as established by the Commission.

Lastly, FWCC argues that deferring the effective date of Section 25.221(e) of the rules would expose fixed service users to interference and asks for an opportunity to comment. FWCC has it wrong on the interference issue. Broadband Maritime has been operating a network of earth stations on vessels ("ESVs") using the 5925-6425 MHz/3700-4200 MHz band ("C-Band") on board foreign-registered merchant ships pursuant to No. 4.4 of the Radio Regulations of the International Telecommunications Union ("ITU") for approximately two years without causing interference to any fixed service users. Not one of FWCC's members or any other fixed service user has ever come forward to complain that it even suspects that there might be interference caused by Broadband Maritime. If one of FWCC's members is concerned that there might have been interference caused to its system, let it come forward and express its specific concerns. If a member of FWCC (or any other fixed service user) can name a time, date and place for any unidentified interference to its system, Broadband Maritime can check its records to see if it was operating an ESV on the same frequency in the vicinity of the fixed

service facility at that time. But without a specific instance of even alleged interference, FWCC's case against preserving the status quo until Broadband Maritime's waiver request is acted upon by the Commission is extremely weak at best.

For the reasons expressed in its April 1, 2005 comments, Broadband Maritime requests that the Commission defer the effective date of Section 25.221(e) of the Commission's rules until after the Commission has taken action on Broadband Maritime's request for waiver of the rule.

Respectfully submitted,

BROADBAND MARITIME, INC.

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Date: April 21, 2005

CERTIFICATE OF SERVICE

I, Eliot J. Greenwald, hereby certify that on this 21st day of April, 2005, a true and correct copy of the foregoing “Reply of Broadband Maritime, Inc. to Fixed Wireless Communications Coalition *Ex Parte* Communication Regarding Paperwork Reduction Act Information Collection” was sent by United States First Class Mail, postage prepaid, or by e-mail to the following:

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